IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.20621 of 2002

Between:

1. Sonta Konda Reddy, S/o. Konda Reddy, Aged 40 years,

2. Vallilla Pitchi Reddy, S/o. Rami Reddy, Aged 60 years,

3. Sonta Subba Reddy, S/o. Narapa Reddy, Aged 47 years,

4. Aruva Penchalaiah, S/o. Bodaiah, Aged 42 years,

All are agriculturists and residents of Gattupally village,

Hamlet of Obulam, Gopavaram Mandal, Cuddapah District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its Secretary,

Irrigation & CAS Department, Secretariat, Hyderabad.

2. The Special Collector, Telugu Ganga Project, Nellore.

3. The Special Deputy Collector, Land Acquisition,

Somasila Project, Atmakur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, writ or direction more particularly a Writ of Mandamus, declaring the notification issued by the 2nd respondent in his Proceedings RC.A1/1191/02, dated

29.07.2002 published in Eenaadu Telugu Daily Newspaper dated 05.8.2002, excluding the house properties of the petitioners as illegal, arbitrary, unjust and violative of Articles 14, 300-A of the Constitution of India and consequently direct the respondents to notify the house properties of the petitioners namely two sheds belonging to the petitioners 1 & 2 jointly in an extent of Ac.1.20 cents of land in Survey No.1638/5, one indigo well in an extent of Ac.0.06 cents of land in Survey No.1638/3 belonging to the 3rd petitioner herein and a well and zinc sheet roofed shed in an extent of Ac.1.82 cents of land in Survey No.1632/1 situated in Gattupally village, Hamlet of Obulam, Gopavaram Mandal, Cuddapah District and take further steps under the provisions of the Land Acquisition Act for the payment of the compensation.

Counsel for the Petitioners: MR.P.SRIDHAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

The four petitioners challenged the notification issued by the second respondent for acquiring the petitioners' lands. Their main grievance is that though structures are existing, the notification does not refer to the structures. The other grounds are also urged in support of the writ petition.

When the interlocutory applications are called, it is brought to the notice, that this Court in a judgment in W.P. No.14246 of 2002 and batch dated 27.8.2003 considered similar contentions raised in this writ petition and disposed of the matter. Following the same, the writ petition is disposed of with the following observations and directions:

i. The respondents shall complete the enumeration of structures in a transparent manner in the presence of the concerned owner duly videographing the enumeration immediately;

ii. After completing such enumeration concerned Special Deputy Collector (Land Acquisition) may wait for a period of one week to enable petitioners, if any, to verify the particulars of structures, after announcing by way of tom-tom in the villages inviting any objections from the petitioners;

iii. Supplementary notifications as ordered by Government in G.O. Rt. No.484, dt.26.6.2003 shall be issued thereafter and matters may be placed before Negotiations Committee;

iv. If any of the petitioners of other persons whose lands and structures are proposed to be acquired are not willing to accept consent awards all necessary steps under the Land Acquisition Act shall be taken;

v. The amount awarded by the Negotiations Committee with the consent awardees shall be paid within a period of four weeks after passing the Award; and

vi. There shall be no order as to costs.

_____

V.V.S. RAO, J

October 29, 2004.

Note:

Issue C.C. in

One week.

(B/o)

YS

To

1. The Secretary, Irrigation & CAS Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

2. The Special Collector, Telugu Ganga Project, Nellore.

3. The Special Deputy Collector, Land Acquisition,

Somasila Project, Atmakur, Nellore District.

4. Two CCs to the Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad (O.U.T)

5. Two C.D. Copies.